

**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR UTILITY PATENT APPLICATION**

Attorney's Docket No.

032493-034

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I BELIEVE I AM THE ORIGINAL, FIRST AND SOLE INVENTOR (if only one name is listed below) OR AN ORIGINAL, FIRST AND JOINT INVENTOR (if more than one name is listed below) OF THE SUBJECT MATTER WHICH IS CLAIMED AND FOR WHICH A PATENT IS SOUGHT ON THE INVENTION ENTITLED:

DOPPLER DIRECTED SUTURE LIGATION DEVICE AND METHOD

the specification of which

(check one)

☐

is attached hereto;

☒

was filed on July 17, 2001 as

Application No. 09/909,124

and was amended on \_\_\_\_\_;  
(if applicable)

I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE;

I ACKNOWLEDGE THE DUTY TO DISCLOSE TO THE OFFICE ALL INFORMATION KNOWN TO ME TO BE MATERIAL TO PATENTABILITY AS DEFINED IN TITLE 37, CODE OF FEDERAL REGULATIONS, Sec. 1.56 (as amended effective March 16, 1992);

I do not know and do not believe the said invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said application; that said invention was not in public use or on sale in the United States of America more than one year prior to said application; that said invention has not been patented or made the subject of an inventor's certificate issued before the date of said application in any country foreign to the United States of America on any application filed by me or my legal representatives or assigns more than twelve months prior to said application;

I hereby claim foreign priority benefits under Title 35, United States Code Sec. 119 and/or Sec. 365 of any foreign application(s) for patent or inventor's certificate as indicated below and have also identified below any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application(s) on which priority is claimed:

# COMBINED DECLARATION AND POWER OF ATTORNEY

Attorney's Docket No.

032493-034

COUNTRY/INTERNATIONAL	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
United States of America	09/713,020	16 November 2000	YES <u>X</u> NO <u>  </u>
			YES <u>  </u> NO <u>  </u>

I hereby appoint the following attorneys and agent(s) to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, prosecute and to transact all business in connection with international applications directed to said invention:

William L. Mathis 17,337  
Robert S. Swecker 19,885  
Platon N. Mandros 22,124  
Benton S. Duffett, Jr. 22,030  
Norman H. Stepno 22,716  
Ronald L. Grudziecki 24,970  
Frederick G. Michaud, Jr. 26,003  
Alan E. Kopecki 25,813  
Regis E. Slutter 26,999  
Samuel C. Miller, III 27,360  
Robert G. Mukai 28,531  
George A. Hovanec, Jr. 28,223  
James A. LaBarre 28,632  
E. Joseph Gess 28,510

R. Danny Huntington 27,903  
Eric H. Weisblatt 30,505  
James W. Peterson 26,057  
Teresa Stanek Rea 30,427  
Robert E. Krebs 25,885  
William C. Rowland 30,888  
T. Gene Dillahunt 25,423  
Patrick C. Keane 32,858  
B. Jefferson Boggs, Jr. 32,344  
William H. Benz 25,952  
Peter K. Skiff 31,917  
Richard J. McGrath 29,195  
Matthew L. Schneider 32,814  
Michael G. Savage 32,596

Gerald F. Swiss 30,113  
Charles F. Wieland III 33,096  
Bruce T. Wieder 33,815  
Todd R. Walters 34,040  
Ronni S. Jillions 31,979  
Harold R. Brown III 36,341  
Allen R. Baum 36,086  
Steven M. duBois 35,023  
Brian P. O'Shaughnessy 32,747  
Kenneth B. Leffler 36,075  
Fred W. Hathaway 32,236



21839

and: Adam J. Cermak, Reg. No. 40391

Address all correspondence to:



21839

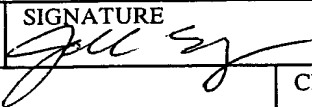
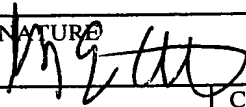
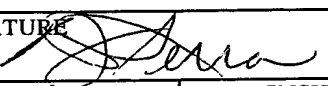
Robert E. Krebs, Esq.  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, Virginia 22313-1404

Address all telephone calls to: Robert E. Krebs at (650) 622-2300.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR		SIGNATURE	DATE
Fred BURBANK		<i>Fred Burbank</i>	10/1/01
RESIDENCE		CITIZENSHIP	
San Juan Capistrano, CA 92675		U.S.A.	
POST OFFICE ADDRESS			
30982 Steeplechase Drive, San Juan Capistrano, CA 92675			
FULL NAME OF SECOND JOINT INVENTOR, IF ANY		SIGNATURE	DATE
Michael L. JONES		<i>Michael Jones</i>	10/1/01
RESIDENCE		CITIZENSHIP	
Capistrano Beach, CA 02624		U.S.A.	
POST OFFICE ADDRESS			
34441 Camino El Molino, Capistrano Beach, CA 92624			

<b>COMBINED DECLARATION AND POWER OF ATTORNEY</b>	Attorney's Docket No. 032493-034
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FULL NAME OF THIRD JOINT INVENTOR, IF ANY <b>Jill UYENO</b>	SIGNATURE 	DATE 10/1/2001
RESIDENCE 27550 Hillcrest #4Q, Mission Viejo, CA 92691	CITIZENSHIP U.S.A.	
POST OFFICE ADDRESS 27550 Hillcrest #4Q, Mission Viejo, CA 92691		
FULL NAME OF FOURTH JOINT INVENTOR, IF ANY <b>Greig E. ALTIERI</b>	SIGNATURE 	DATE 10/1/2001
RESIDENCE Laguna Beach, CA 92651	CITIZENSHIP U.S.A.	
POST OFFICE ADDRESS 1102 Temple Hills, Laguna Beach, CA 92651		
FULL NAME OF FIFTH JOINT INVENTOR, IF ANY <b>R. J. SERRA</b>	SIGNATURE 	DATE 10/1/2001
RESIDENCE 17 Misty Meadow, Irvine, CA 92612	CITIZENSHIP U.S.A.	
POST OFFICE ADDRESS 17 Misty Meadow, Irvine, CA 92612		
FULL NAME OF SIXTH JOINT INVENTOR, IF ANY	SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		
FULL NAME OF SEVENTH JOINT INVENTOR, IF ANY	SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		
FULL NAME OF EIGHTH JOINT INVENTOR, IF ANY	SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		
FULL NAME OF NINTH JOINT INVENTOR, IF ANY	SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		
FULL NAME OF TENTH JOINT INVENTOR, IF ANY	SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/909,124	07/17/2001	Fred Burbank	032493-034

EDWARD J. LYNCH  
COUDERT BROTHERS LLP  
600 BEACH STREET  
3RD FLOOR  
SAN FRANCISCO, CA 94109

RECEIVED

JUN 11 2002

COUDERT BROTHERS LLP  
SAN FRANCISCO

CONFIRMATION NO. 6884



\*OC000000008233890\*

Date Mailed: 06/05/2002

## NOTICE REGARDING POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/10/2002.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

LISA B FULTON  
3700 (703) 308-2193

ATTORNEY/APPLICANT COPY

#6



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/909,124	07/17/2001	Fred Burbank	032493-034

CONFIRMATION NO. 6884

Robert E. Krebs, Esq.

BURNS, DOANE, SWECKER &amp; MATHIS, L.L.P. RECEIVED

P.O. Box 1404

Alexandria, VA 22313-1404



\*OC000000008233887\*

JUN 11 2002

COUDERT BROTHERS LLP  
SAN FRANCISCO

Date Mailed: 06/05/2002

## NOTICE REGARDING POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/10/2002.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).



LISA E FULTON  
3700 (703) 308-2193

NEW ATTORNEY/AGENT COPY



JUNE 17, 2002

PTAS

BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
ROBERT E. KREBS, ESQ.  
P.O. BOX 1404  
ALEXANDRIA, VA 22313-1404

RECEIVED

JUN 24 2002

COUDERT BROTHERS LLP  
SAN FRANCISCO

Chief Information Officer  
Washington, DC 20231  
www.uspto.gov

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 10/30/2001

REEL/FRAME: 012287/0441  
NUMBER OF PAGES: 4

BRIEF: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
HYSTERX, INC.

DOC DATE: 08/17/2001

ASSIGNEE:  
VASCULAR CONTROL SYSTEMS, INC.  
32236-E PASEO ADELANTO  
SAN JUAN CAPISTRANO, CALIFORNIA



92675

SERIAL NUMBER: 09488467 /  
PATENT NUMBER:

FILING DATE: 01/19/2000  
ISSUE DATE:

SERIAL NUMBER: 09556934 /  
PATENT NUMBER:

FILING DATE: 04/21/2000  
ISSUE DATE:

SERIAL NUMBER: 09908815 /  
PATENT NUMBER:

FILING DATE: 05/09/2002  
ISSUE DATE:

SERIAL NUMBER: 09713020 /  
PATENT NUMBER:

FILING DATE: 11/16/2000  
ISSUE DATE:

012287/0441 PAGE 2

SERIAL NUMBER: 09909124 /  
PATENT NUMBER:

SERIAL NUMBER: 09207572 ✓  
PATENT NUMBER: 6254601

FILING DATE: 07/17/2001  
ISSUE DATE:

FILING DATE: 12/08/1998  
ISSUE DATE: 07/03/2001

DOROTHY BASMA, PARALEGAL  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



MARCH 13, 2002

PTAS  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
ROBERT E. KREBS, ESQ.  
P.O. BOX 1404  
ALEXANDRIA, VA 22313-1404

Chief Information Officer  
Washington, DC 20231  
www.uspto.gov

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MAY - 2 2002



\*101954387A\*

COUDERT BROTHERS LLP  
SAN FRANCISCO

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 10/18/2001

REEL/FRAME: 012471/0055  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
BURBANK, FRED

DOC DATE: 10/01/2001

ASSIGNOR:  
JONES, MICHAEL L.

DOC DATE: 10/01/2001

ASSIGNOR:  
UYENO, JILL

DOC DATE: 10/01/2001

ASSIGNOR:  
ALTIERI, GREIG E.

DOC DATE: 10/01/2001

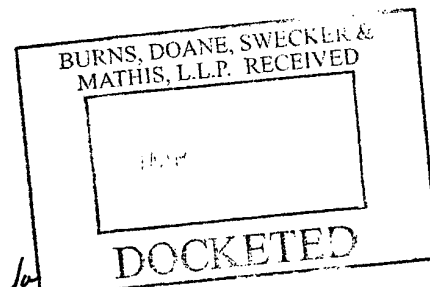
ASSIGNOR:  
SERRA, R.J.

DOC DATE: 10/01/2001

ASSIGNEE:  
HYSTERX, INC.  
32236 PASEO ADELANTO, SUITE E  
SAN JUAN CAPISTRANO, CALIFORNIA

92675

Vascular  
032493-034  
RER/KS



mda  
3/19



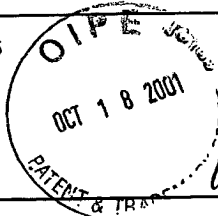
012471/0055 PAGE 2

SERIAL NUMBER: 09909124  
PATENT NUMBER:

FILING DATE: 07/17/2001  
ISSUE DATE:

DOROTHY BASMA, PARALEGAL  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

FORM PTO-1595  
(Rev. 6/93)



RECORDATI  
PA

01-22-2002



101954387

DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Attorney's Docket No. 032493-034

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Fred Burbank, Michael L. Jones, Jill Uyeno, Greig E. Altieri, R. J. Serra

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name

Other: \_\_\_\_\_

Execution Date: October 1, 2001

2. Name and address of receiving party(ies):

Name: HysteRx, Inc.

Address: 32236 Paseo Adelanto, Suite E

San Juan Capistrano, California 92675

United States of America

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)

09/909,124

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Robert E. Krebs, Esq.

Address: BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404

Alexandria, Virginia 22313-1404

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR § 3.41): \$ 40.00

☒ Enclosed

☒ Authorized to be charged to deposit account, if necessary

8. Deposit account number:

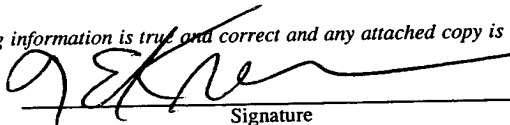
02-4800

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Robert E. Krebs, Reg. No. 25,885  
Name of Person Signing

  
Signature

October 18, 2001  
Date

Total number of pages including cover sheet, attachments, and document: 3

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks  
Box Assignments  
Washington, D.C. 20231

01/18/2002 DBYRNE 00000073 09909124

01 FC:581

40.00 OP

# ASSIGNMENT

(JOINT)

THIS ASSIGNMENT, by FRED BURBANK, MICHAEL L. JONES, JILL UYENO, GREIG E. ALLEN, and R. J. SERRA, residing at 30982 STEEPLECHASE DRIVE, SAN JUAN, CAPISTRANO, CA 92675; 34441 CAMINO EL MOLINO, CAPISTRANO BEACH, CA 92624; 27550 HILLCREST #40, MISSION VIEJO, CA 92691 1102 TEMPLE HILLS, LAGUNA BEACH, CA 92651 and 17 MISTY MEADOW, IRVINE, CA 92612 (hereinafter referred to as "the Assignors"), respectively, witnesseth:

WHEREAS, the Assignors have invented certain new and useful improvements in DOPPLER DIRECTED SUTURE LIGATION DEVICE AND METHOD set forth in an application for Letters Patent of the United States,

- (1) ☐ which is a provisional application
  - (a) ☐ to be filed herewith; or
  - (b) ☐ bearing Application No. \_\_\_\_\_, and filed on \_\_\_\_\_; or
- (2) ☒ which is a non-provisional application
  - (a) ☐ having an oath or declaration executed on even date herewith prior to filing of application;
  - (b) ☒ bearing Application No. 09/909,124, and filed on JULY 17, 2001; or
  - (c) ☐ to be filed; and

WHEREAS, HYSTERX, INC., a corporation duly organized under and pursuant to the laws of CALIFORNIA and having its principal place of business at 32236 PASEO ADELANTO, SUITE E, SAN JUAN CAPISTRANO, CALIFORNIA 92675 (hereinafter referred to as "the Assignee"), is desirous of acquiring the entire right, title, and interest in and to said inventions, the right to file applications on said inventions and the entire right, title and interest in and to any applications, including provisional applications for Letters Patent of the United States or other countries claiming priority to said application, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, the Assignors have sold, assigned, transferred, and set over, and by these presents do sell, assign, transfer, and set over, unto the Assignee, its successors, legal representatives, and assigns the entire right, title, and interest in and to the above-mentioned inventions, the right to file applications on said inventions and the entire right, title and interest in and to any applications for Letters Patent of the United States or other countries claiming priority to said applications, and any and all Letters Patent or Patents of the United States of America and all foreign countries that may be granted therefor and thereon, and in and to any and all applications claiming priority to said applications, divisions, continuations, and continuations-in-part of said applications, and reissues and extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by the Assignee, for its own use and behalf and the use and behalf of its successors, legal representatives, and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted as fully and entirely as the same would have been held and enjoyed by the Assignors had this sale and assignment not been made;

AND for the same consideration, the Assignors hereby covenant and agree to and with the Assignee, its successors, legal representatives, and assigns, that, at the time of execution and delivery of these presents, the Assignors are the sole and lawful owners of the entire right, title, and interest in and to the inventions set forth in said applications and said applications, including provisional applications, above-mentioned, and that the same are unencumbered, and that the

Assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth;

AND for the same consideration, the Assignors hereby covenant and agree to and with the Assignee, its successors, legal representatives, and assigns that the Assignors will, whenever counsel of the Assignee, or the counsel of its successors, legal representatives, and assigns, shall advise that any proceeding in connection with said inventions or said applications for Letters Patent or Patents, or any proceeding in connection with Letters Patent or Patents for said inventions in any country, including interference proceedings, is lawful and desirable, or that any application claiming priority to said application, division, continuation, or continuation-in-part of any applications for Letters Patent or Patents, or any reissue or extension of any Letters Patent or Patents to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement, and defense of Letters Patent or Patents for said inventions, without charge to the Assignee, its successors, legal representatives, and assigns, but at the cost and expense of the Assignee, its successors, legal representatives, and assigns;

AND the Assignors hereby authorize and request the attorneys of BURNS, DOANE, SWECKER & MATHIS, L.L.P. of Alexandria, Virginia to insert in the spaces provided above the filing date, application number, and attorney docket number of said application when known.

AND the Assignors hereby request the Commissioner of Patents to issue any and all said Letters Patent of the United States to the Assignee as the Assignee of said inventions, the Letters Patent to be issued for the sole use and behalf of the Assignee, its successors, legal representatives, and assigns.

Date <u>10/1/2001</u>	Signature of Assignor	<u>Fred Burbank</u> Fred Burbank
Date <u>10/1/2001</u>	Signature of Assignor	<u>Michael L. Jones</u> Michael L. Jones
Date <u>10/1/2001</u>	Signature of Assignor	<u>Bill Uyeno</u> Bill Uyeno
Date <u>10/1/2001</u>	Signature of Assignor	<u>Greig E. Altieri</u> Greig E. Altieri
Date <u>10/1/2001</u>	Signature of Assignor	<u>R. J. Serra</u> R. J. Serra